

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

AT&T CORP. and ALASCOM, INC. d/b/a
AT&T Alascom, Inc.,

Plaintiffs,

v.

DAVID W. WALKER, DONALD J.
SCHROEDER, and TERRY A. GUNSEL,

Defendants.

TERRENCE J. DONAHUE, Trustee for
Chapter 7 Bankruptcy Estate of PT cable, Inc.

Plaintiff-in-Intervention,

v.

THE CARLYLE GROUP, L.P., a.k.a. The
Carlyle Group; *et al.*

Defendants-in-Intervention.

Case No. C04-5709FDB

ORDER DENYING
RECONSIDERATION MOTION OF
WALKER, SCHROEDER, AND
GUNSEL and GRANTING MOTIONS
TO FILE THEIR MOTION AND
REPLY BRIEFS UNDER SEAL

Defendants Walker, Schroeder, and Gungel move for reconsideration of the Court's June 28, 2006 Order (Dkt. # 93) wherein the motion of Plaintiffs AT&T and Alascom for partial summary judgment as to the RICO claim was granted. Defendants contend that they were improperly denied discovery before entering summary judgment and that the order was legally flawed regarding the issues of the defendants fraudulent intent and proximate causation. Pursuant to the Court's request, Plaintiffs filed a response.

The parties' submissions on the motion for reconsideration have been reviewed together with earlier submissions to the Court and the Court's earlier orders as well. Motions for reconsideration

1 will ordinarily be denied “in the absence of a showing of manifest error in the prior ruling or a
2 showing of new facts or legal authority which could not have been brought to its attention earlier
3 with reasonable diligence.” (Local Rule CR 7(h)). The Court is not convinced to reconsider its
4 order granting summary judgment on the RICO claim.

5 Defendants’ arguments for reconsideration are familiar, and the Court will not revisit them.
6 Plaintiffs’ current submission as well as the analysis, authorities, and supporting material submitted
7 on the original motion are convincing that there is no manifest error or other basis for
8 reconsideration.


9 The Defendants and Plaintiffs both move to seal their documents (motion, response, and
10 reply) regarding reconsideration, pursuant to the Protective Order entered in the earlier case, *PT*
11 *Cable, Inc. v. Sprint Communications Company, LP and AT&T Corporation*, No. C03-5202FDB
12 (W.D. Wash.), which remains in effect in this case in order to permit parties to this action to use
13 documents produced in the prior action. Plaintiffs’ motion to seal was granted by minute order [Dkt.
14 # 144], and Defendants motions will also be granted.

15 ACCORDINGLY, IT IS ORDERED:

16 1. Motion of Defendants Walker, Schroeder, and Gunsel for Reconsideration of the Court’s
17 Order Granting Plaintiffs’ Motion for Partial Summary Judgment as To The RICO Claim [Dkt. #
18 108] is DENIED;

19 2. Motions of Defendants Walker, Schroeder, and Gunsel to File their Motion for
20 Reconsideration Under Seal [Dkt. # 107] and to file their Reply Brief under seal [Dkt. # 145] are
21 GRANTED;

22 DATED this 19th day of October, 2006.

23 
24 FRANKLIN D. BURGESS
25 UNITED STATES DISTRICT JUDGE